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In re Application of DEBALME et al :
U.S. Application No.: 08/913,518 :
PCT Application No.: PCT/FR97/00101 :
Int. Filing Date: 17 January 1997 : DECISION
Priority Date Claimed: 19 January 1996 :
Attorney Docket No.: 1247-0709-3VF PCT :
For: PROCESS AND DEVICE FOR THE :
MANUFACTURE OF A COMPOSITE :
MATERIAL :

This is in response to applicant's "Petition Under 37 C.F.R. §1.182" filed 12 August 2003.

BACKGROUND

On 17 January 1997, applicant filed international application PCT/FR97/00101, which claimed priority of an earlier France application filed 19 January 1996. A copy of the international application was communicated to the USPTO from the International Bureau on 24 July 1997. The twenty-month period for paying the basic national fee in the United States expired on 19 September 1997.

On 18 September 1997, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an English translation of the international application.

On 19 November 1997, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 03 November 1999, applicant filed a request for a Continued Prosecution Application.

On 11 July 2001, applicant filed a request for a Continued Prosecution Application.

On 14 January 2003, applicant filed a Request for Continued Examination along with a request to enter a previously un-entered amendment.

On 12 February 2003, the examiner issued a non-final rejection in which several claims were rejected as being based upon new matter introduced by said amendment.

On 12 August 2003, applicant filed the present petition under 37 CFR 1.182 along with an affidavit under 37 CFR 1.132.

DISCUSSION

The petition states that the English translation filed 18 September 1997 contained mistranslations of the international application and that a proper translation would provide support for the subject matter introduced by amendment. However, even assuming the statements contained in the 37 CFR 1.132 affidavit are correct, applicant has not yet provided a complete and proper English translation of the international application as required by 35 U.S.C. 371(c)(2). Entry of such proper translation will be considered upon submission.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". Extensions of time are available under 37 CFR 1.136.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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